

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALVIS VERNON RHODES,) No. C 07-3124 RMW (PR)
Petitioner,) ORDER OF TRANSFER
vs.)
SUPERIOR COURT OF STANISLAUS)
COUNTY,)
Respondent.)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on June 14, 2007. Petitioner seeks habeas relief from his state criminal proceedings in the Stanislaus Superior Court, which lies in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence).

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1 Accordingly, this case is TRANSFERRED to the United States District Court for
2 the Eastern District of California, the district of petitioner's conviction at issue in this
3 petition. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The clerk shall terminate
4 any pending motions and transfer the entire file to the Eastern District of California.

5 IT IS SO ORDERED.

6 DATED: 6/22/2007

7 /s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

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This is to certify that on 6/22/2007, a copy of this ruling was mailed to the following:

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